

STATE OF SOUTH CAROLINA

(Caption of Case)

Application of South Carolina Electric & Gas  
Company for Approval to Continue Demand Side  
Management Programs and Included Rate Rider,  
and for Approval of Revised Portfolio of Energy  
Efficiency Programs

BEFORE THE  
PUBLIC SERVICE COMMISSION  
OF SOUTH CAROLINA

COVER SHEET

DOCKET

NUMBER: 2013 - 208 - E

(Please type or print)

Submitted by: Stephanie U. Roberts

SC Bar Number: 80073

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NOTE: The cover sheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for use by the Public Service Commission of South Carolina for the purpose of docketing and must be filled out completely.

**DOCKETING INFORMATION** (Check all that apply)

☐ Emergency Relief demanded in petition ☐ Request for item to be placed on Commission's Agenda expeditiously

☐ Other: \_\_\_\_\_

INDUSTRY (Check one)	NATURE OF ACTION (Check all that apply)			
<input checked="" type="checkbox"/> Electric	<input type="checkbox"/> Affidavit	<input type="checkbox"/> Letter	<input type="checkbox"/> Request	
<input type="checkbox"/> Electric/Gas	<input type="checkbox"/> Agreement	<input type="checkbox"/> Memorandum	<input type="checkbox"/> Request for Certificatio	
<input type="checkbox"/> Electric/Telecommunications	<input type="checkbox"/> Answer	<input type="checkbox"/> Motion	<input type="checkbox"/> Request for Investigator	
<input type="checkbox"/> Electric/Water	<input type="checkbox"/> Appellate Review	<input type="checkbox"/> Objection	<input type="checkbox"/> Resale Agreement	
<input type="checkbox"/> Electric/Water/Telecom.	<input type="checkbox"/> Application	<input type="checkbox"/> Petition	<input type="checkbox"/> Resale Amendment	
<input type="checkbox"/> Electric/Water/Sewer	<input type="checkbox"/> Brief	<input type="checkbox"/> Petition for Reconsideration	<input type="checkbox"/> Reservation Letter	
<input type="checkbox"/> Gas	<input type="checkbox"/> Certificate	<input type="checkbox"/> Petition for Rulemaking	<input type="checkbox"/> Response	
<input type="checkbox"/> Railroad	<input type="checkbox"/> Comments	<input type="checkbox"/> Petition for Rule to Show Cause	<input type="checkbox"/> Response to Discovery	
<input type="checkbox"/> Sewer	<input type="checkbox"/> Complaint	<input checked="" type="checkbox"/> Petition to Intervene	<input type="checkbox"/> Return to Petition	
<input type="checkbox"/> Telecommunications	<input type="checkbox"/> Consent Order	<input type="checkbox"/> Petition to Intervene Out of Time	<input type="checkbox"/> Stipulation	
<input type="checkbox"/> Transportation	<input type="checkbox"/> Discovery	<input type="checkbox"/> Prefiled Testimony	<input type="checkbox"/> Subpoena	
<input type="checkbox"/> Water	<input type="checkbox"/> Exhibit	<input type="checkbox"/> Promotion	<input type="checkbox"/> Tariff	
<input type="checkbox"/> Water/Sewer	<input type="checkbox"/> Expedited Consideration	<input type="checkbox"/> Proposed Order	<input checked="" type="checkbox"/> Other: Letter and COS	
<input type="checkbox"/> Administrative Matter	<input type="checkbox"/> Interconnection Agreement	<input type="checkbox"/> Protest		
<input type="checkbox"/> Other:	<input type="checkbox"/> Interconnection Amendment	<input type="checkbox"/> Publisher's Affidavit		
	<input type="checkbox"/> Late-Filed Exhibit	<input type="checkbox"/> Report		



# SPILMAN THOMAS & BATTLE, PLLC

ATTORNEYS AT LAW

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sroberts@spilmanlaw.com  
Licensed in NC, SC and FL

September 13, 2013

*Via SCPSC E-FILING DMS*

The Honorable Jocelyn G. Boyd  
Chief Clerk/Administrator  
Public Service Commission of South Carolina  
101 Executive Center Drive  
Columbia, SC 29210

**Re: Application of South Carolina Electric & Gas Company for Approval to Continue Demand Side Management Programs and Included Rate Rider, and for Approval of Revised Portfolio of Energy Efficiency Programs Docket No. 2013-208-E**

Dear Ms. Boyd:

Please find attached for electronic filing with the South Carolina Public Utility Commission ("Commission") a copy of the SCPSC Docket Coversheet and a Petition to Intervene (Out of Time) on behalf of Wal-Mart Stores East, LP and Sam's East, Inc. (collectively, "Walmart") in the above-referenced matter. All parties have been served a copy of this document in accordance with the attached Certificate of Service.

Please contact us if you have any questions concerning this filing.

Sincerely,

SPILMAN THOMAS & BATTLE, PLLC

By

Stephanie U. Roberts  
(SC Bar No. 80073)

Derrick Price Williamson  
Spilman Thomas & Battle, PLLC  
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Counsel to Wal-Mart Stores East, LP and Sam's East, Inc.

SUR/lhi  
Enclosures

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West Virginia

North Carolina

Pennsylvania

Virginia

STATE OF SOUTH CAROLINA  
BEFORE THE PUBLIC SERVICE COMMISSION  
DOCKET NO. 2013-208-E

In the Matter of:	)	
	)	
Application of South Carolina Electric & Gas	)	<b>PETITION TO INTERVENE OUT</b>
Company for Approval to Continue Demand Side	)	<b>OF TIME OF WAL-MART</b>
Management Programs and Included Rate Rider,	)	<b>STORES EAST, LP AND</b>
and for Approval of Revised Portfolio of Energy	)	<b>SAM'S EAST, INC.</b>
Efficiency Programs	)	

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Pursuant to Rule 103-825 of the rules and regulations of the South Carolina Public Service Commission ("Commission"), Wal-Mart Stores East, LP and Sam's East, Inc. (collectively, "Walmart"), by its attorneys, respectfully requests that the Commission permit it to intervene and become a party in the above-captioned matter, albeit out of time. In support of its Petition to Intervene, Walmart submits as follows:

1. On May 31, 2013, South Carolina Electric & Gas Company ("SCE&G") filed an Application for Approval to Continue Demand Side Management ("DSM") Programs and Included Rate Rider, and for Approval of Revised Portfolio of Energy Efficiency ("EE") Programs ("Application"). The Application was filed pursuant to S.C. Code Ann. Sections 58-37-20 (Supp. 2012), 10 S.C. Code Reg. 103-819 and -823 (2012), the Rule of Practice and Procedure of the Public Service Commission of South Carolina, and all other applicable law and rules.

2. On June 7, 2013, the Clerk's Office issued a Notice of Filing establishing an intervention deadline of July 8, 2013. On August 20, 2013, a revised hearing notice was issued, establishing due dates for testimony and a new hearing date.

3. Walmart is a national retailer of goods and services throughout the United States. Walmart's principal office is at 2001 SE 10<sup>th</sup> Street, Bentonville, Arkansas 72716-0550.

4. Walmart has the privilege of providing its retail services in the State of South Carolina. Walmart is a large commercial customer of SCE&G. Walmart has approximately 27 facilities in South Carolina that are served by SCE&G, which include Walmart Supercenters, Sam's Clubs, and gas stations. Walmart purchases more than 127 million kWh annually from SCE&G. Electricity is one of the single highest operating costs faced by Walmart. As a result, any modification to SCE&G's electric rates and terms of service has the potential to substantially impact Walmart's operations in South Carolina. Further, Walmart is dedicated to its own investment in DSM and EE and therefore is concerned with SCE&G's Application in this case, including "opt-out" provisions. As such, Walmart has a direct and substantial interest in the outcome of this proceeding, in addition to Walmart's unique status as a single commercial customer that purchases substantial amounts of electric and related services from SCE&G pursuant to multiple accounts at multiple locations. Thus, Walmart has an interest in this proceeding that is not represented by any other party.

5. Walmart was not aware of SCE&G's original filing and the Commission's initial Notice of Hearing. As noted above, however, Walmart is active and dedicated to investment in DSM and EE at its facilities within the SCE&G service territory. As such, Walmart has a specific interest in this proceeding. Walmart, if granted intervention, would of course comply with the current procedural schedule. Further, Walmart does not believe its intervention

at this time would prejudice any party, given that the Company's testimony has not yet been pre-filed. In fact, Walmart believes that its participation in this case may better inform the Commission and the parties as to relevant and important issues attendant to DSM and EE.

6. The attorneys representing Walmart in this proceeding are:

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Ms. Roberts is authorized to accept service of papers in this proceeding on behalf of Walmart. Walmart also respectfully requests that Mr. Williamson be added jointly to the service list. Walmart plans to cause to be filed a motion for Mr. Williamson to be admitted *pro hac vice* before this Commission, and subsequent to any Commission grant of such request, Walmart requests that Mr. Williamson be added to the official service list as attorneys authorized to accept service of papers in this proceeding.

**WHEREFORE**, Wal-Mart Stores East, LP and Sam's East, Inc., respectfully request that it be granted leave to intervene and be made a party to the above-captioned proceeding.

Respectfully submitted,

SPILMAN THOMAS & BATTLE, PLLC

**/s/ Stephanie U. Roberts**

By \_\_\_\_\_  
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Counsel to Wal-Mart Stores East, LP and Sam's East, Inc.

Dated: September 13, 2013

STATE OF SOUTH CAROLINA  
BEFORE THE PUBLIC SERVICE COMMISSION  
DOCKET NO. 2013-208-E

In the Matter of: )

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Application of South Carolina Electric & Gas )  
Company for Approval to Continue Demand Side )  
Management Programs and Included Rate Rider, )  
and for Approval of Revised Portfolio of Energy )  
Efficiency Programs )

**CERTIFICATE OF SERVICE**


I hereby certify that I have this day served one (1) copy of the foregoing document upon the following parties to this proceeding via First Class Mail:

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\_\_\_\_\_  
Stephanie U. Roberts (SC Bar No. 80073)

Dated: September 13, 2013